

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
 : FINAL DECISION AND ORDER
JOCELYN EICHE, M.D., :
RESPONDENT. :

00038 16

Division of Legal Services and Compliance Case No. 14 MED 230

The parties to this action for the purpose of Wis. Stat. § 227.53 are:

Jocelyn Eiche, M.D.
3040 N. 117th Street, Suite 200
Wauwatosa, WI 53222

Wisconsin Medical Examining Board
P.O. Box 8366
Madison, WI 53708-8366

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Medical Examining Board (Board). The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Jocelyn Eiche, M.D. (dob July 21, 1955), is licensed in the state of Wisconsin to practice medicine and surgery, having license number 25245-20, first issued on July 1, 1983, with registration current through October 31, 2015. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 3040 N. 117th Street, Suite 200, Wauwatosa, Wisconsin 53222.

2. Respondent's practice specialty is obstetrics and gynecology, and at all times pertinent herein, she practiced in Wauwatosa, Wisconsin.

3. An investigation into this matter was commenced following a National Practitioners' Data Bank (NPDB) report of a medical malpractice payout based on Respondent's alleged failure to perform preoperative evaluation resulting in major permanent injury.

4. On February 11, 2013, Respondent saw Patient A for a routine annual GYN appointment, during which Patient A complained of abdominal discomfort. An exam and subsequent ultrasound revealed a left complex adnexal mass, thought to be an ovarian endometrioma cyst (cyst).

5. Respondent's patient records indicate that both Patient A's mother and maternal grandmother had been previously diagnosed with thyroid and bone cancer.

6. According to Respondent, she spoke with Patient A on February 27, 2013, and informed Patient A that she needed to come in to have CA-125 and CEA¹ blood tests performed. Respondent reports ordering the tests the same day.

7. A February 27, 2013 note in Patient A's medical records states "US showed 13+ cm hemorrhagic complex cyst. Needs laparoscopic evaluation and Ca 125 and CEA as well."

8. On March 30, 2013, Patient A had labs drawn in preparation for surgery, which did not include a CA-125 or CEA blood test. There is no indication in the patient records that those labs were actually ordered.

9. On April 2, 2013, Respondent reports becoming aware that neither a CA-125 nor CEA blood test had been performed, and elected to proceed without them.

10. Respondent alleges that Patient A was not in a high risk group for malignancy; clinical history was consistent with endometrioma; there was no free fluid on the ultrasound and the cyst was in an endocatch pouch that prevented general spread.

11. On April 3, 2013, Respondent performed laparoscopic surgery to remove the cyst. The cyst ruptured inside Patient A's body.

12. On April 9, 2013, both a CA-125 and CEA were ordered after malignancy was diagnosed, and subsequent biopsy revealed that the cyst was cancerous.

13. Respondent should not have proceeded with laparoscopic removal of the cyst without the results of CA-125 and CEA blood tests to determine if the cyst was cancerous.

14. Had respondent had the results of the CA-125 and CEA blood tests, greater efforts may have been taken to attempt removal of the cyst in one piece.

15. Respondent alleges that the pseudocyst or endometrioma would have opened during its excision in any case and her ovarian cancer stage would have been the same.

¹ CA-125 (cancer antigen 125) and CEA (carcinoembryonic antigen) are blood tests often used as a tumor marker to help determine if some types of cancer are present.

16. By performing laparoscopic surgery to remove the cyst without the results of CA-125 and CEA blood tests, Respondent's care of Patient A fell below the standard of minimal competence.

17. The above conduct created the unacceptable risk to Patient A that seeding and microscopic metastasis of the cancerous cells would occur, causing Patient A to suffer additional or exacerbated adverse health consequences, up to and including, death.

18. Respondent denies unprofessional conduct or failing to meet the standard of care relative Patient A's care, but to avoid the expense and uncertainty of litigation and to resolve the matter, consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 448.02(3), and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Respondent Jocelyn Eiche, M.D., violated Wis. Admin. Code § Med 10.02(2)(h) (Nov. 2002).

3. As a result of the above violation, Jocelyn Eiche, M.D., is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The attached Stipulation is accepted.

2. Respondent, Jocelyn Eiche, M.D., is REPRIMANDED

3. Within 90 days from the date of this Order, Jocelyn Eiche, M.D., shall pay COSTS of this matter in the amount of \$809.65.

4. Payment of costs shall be made payable to the Wisconsin Department of Safety and Professional Services and sent to the Department Monitor at the address below:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

5. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this

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Order. In the event Respondent fails to timely submit payment of costs as ordered, Respondent's license (no. 25245-20) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs.

6. This Order is effective on the date of its signing.

WISCONSIN MEDICAL EXAMINING BOARD

by:


A Member of the Board


Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JOCELYN EICHE, M.D.,
RESPONDENT.

STIPULATION

0003816

Division of Legal Services and Compliance Case No. 14 MED 230

Respondent Jocelyn Eiche, M.D., and the Division of Legal Services and Compliance,
Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the
Division of Legal Services and Compliance. Respondent consents to the resolution of this
investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily
and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, at which time the State has
the burden of proving those allegations by a preponderance of the evidence;
- the right to confront and cross-examine the witnesses against Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by
subpoena;
- the right to testify on Respondent's own behalf;
- the right to file objections to any proposed decision and to present briefs or oral
arguments to the officials who are to render the final decision;
- the right to petition for rehearing; and
- all other applicable rights afforded to Respondent under the United States Constitution,
the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code,
and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation.
Respondent is represented by Attorney Matthew Moran.

4. Respondent agrees to the adoption of the attached Final Decision and Order by
the Wisconsin Medical Examining Board (Board). The parties to the Stipulation consent to the
entry of the attached Final Decision and Order without further notice, pleading, appearance or
consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted
in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not
be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

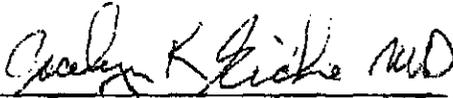
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In the matter of disciplinary proceedings against
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of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

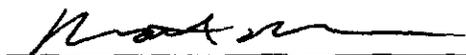
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Jocelyn Eiche, M.D., Respondent
3040 N. 117th Street, Suite 200
Wauwatosa, WI 53222
License No. 25245-20

2.13.15
Date


Matthew W. Moran, Attorney for Respondent
Wheaton Franciscan Healthcare
Office of the General Counsel
400 W. River Woods Parkway
Glendale, WI 53212-1060

2/13/15
Date


Yolanda McGowan, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

2/17/15
Date